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IN THE

Supreme Court of the United States

OCTOBER TERM, 1967

Number 1199

HUEY P. MEAUX AND CHARLIE BOOTH,

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.

TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH JUDICIAL CIRCUIT

PETITION FOR A REHEARING

EDDINGTON, KROLL, FRILOUX & SMITH
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2012 South Coast Building
Houston, Texas 77002

FIDELITY PRINTING COMPANY, INC., HOUSTON

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HUEY P. MEAUX AND CHARLIE BOOTH,

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PETITION FOR A REHEARING

Petitioners Huey P. Meaux and Charlie Booth pray that the Court grant a rehearing on their Petitions For A Writ Of Certiorari to issue on the ruling of the United States Court of Appeals for the Fifth Circuit entered on January 4, 1968, and for the denial for rehearing thereon issued on February 7, 1968.

JURISDICTION

This Court has jurisdiction under Title 28, U.S.C.A., Section 1254(1) to review decision of the United States Court of Appeals for the Fifth Circuit; and jurisdiction for considering this petition for rehearing is authorized under Rule 58, Supreme Court Rules, Title 28, U.S.C.A.

GROUNDS FOR REHEARING

The denial of the Application for Writ of Certiorari was in error; the two basic questions presented to the Court in the application for the writ raised two substantial questions:

1. The denial of the assistance of effective trial counsel during a criminal trial.
2. The prejudicial effect of the inflammatory remarks of the United States Attorney.

REASONS FOR GRANTING REHEARING

The questions presented pose two of the most serious facing citizens confronted by the sovereign seeking to convict the citizen for an alleged violation of the numerous Federal Statutes.

Failure to specifically ask Petitioners if they were willing to allow assistant trial counsel to proceed, after denying Petitioners' rights to experienced trial counsel effectively denied Petitioners a fair trial.

A review of the short transcript will only too clearly reflect the result. The trial was, from Petitioners' standpoint, merely a procedural preliminary preparatory to being found guilty, any defense or attempt at defense was found totally wanting.

A trial with inexperienced trial counsel is and in this case *was* no trial at all when considered in the light of reality.

The growing abuse of the latitude allowed the representative of the sovereign in arguing his case, cannot be minimized. The Court should consider and lay down a clear

limitation on the scope of permissive argument by the United States Attorney.

CONCLUSION

The Court should grant a rehearing on the Petition for Writ of Certiorari; then should grant the Writ as requested. Both questions presented, particularly the question of the assistance of effective trial counsel, is of grave importance to every citizen. Due process and fair administration of justice require reconsideration on these matters.

Petitioners respectfully request that the Court grant this rehearing request.

Respectfully submitted,

EDDINGTON, KROLL, FRILOUX & SMITH

By .....
C. Anthony Friloux, Jr.
Counsel for Petitioners
2012 South Coast Building
Houston, Texas 77002
CA 7-4288

CERTIFICATE OF COUNSEL

I certify that the Petition for Rehearing is submitted in good faith; that it poses substantial questions, and is not submitted for the purpose of delay.

EDDINGTON, KROLL, FRILOUX & SMITH

By .....
C. Anthony Friloux, Jr.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition for Writ of Certiorari was mailed to Morton Susman, United States Attorney, Federal Building, Houston, Texas, and to the Solicitor General, Department of Justice, Washington 25, D. C., postage prepaid, on this the ..... day of ....., 1968.

EDDINGTON, KROLL, FRILOUX & SMITH

By .....
C. Anthony Friloux, Jr.